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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,270	04/01/2004	Yoshinori Okumura	250738US2CONT	8477
22850	7590	10/05/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAM, THANHHA S	
			ART UNIT	PAPER NUMBER
			2813	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/814,270	OKUMURA ET AL.	
	Examiner	Art Unit	
	Thanhha Pham	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/01/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This Office Action is in response to Applicant's Preliminary Amendment dated 04/01/04.

### ***Oath/Declaration***

Oath/Declaration filed on 04/01/04 has been considered.

### ***Claim Objections***

1. Claim 1 objected to because of informalities. Appropriate correction is required to clarify the scope of the claim.

Claim 1,

line 11, "layers of insulating films" should be changed to "insulating film"

line 12, "an insulating film" should be changed to "insulating film"

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**2. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. [US 6,730,556].**

➤ With respect to claim 1, Wu et al. (fig. 2g, cols. 4-8) discloses a semiconductor device, comprising:

a semiconductor substrate (62) (see col. 4, lines 27-29);

a first transistor (64) which includes a first gate electrode (84) which is formed on said semiconductor substrate (62) (see col. 4, lines 31-37), a first sidewall insulating film (88, 120) (see col. 4, lines 54-58 and col. 6, lines 33-54) which is formed on a side of said first gate electrode (84) on said semiconductor substrate (62) and first source/drain active layers (92) (see col. 7, lines 21-25) which are formed in said semiconductor substrate (62); and

a second transistor (66) which includes a second gate electrode (104) (see col. 4, lines 37-40) which is formed on said semiconductor substrate (62), a second sidewall insulating film (120, 122', 128) (see col. 6, lines 33-54) which is formed on a side of said second gate electrode (104) on said semiconductor substrate (62) and second source/drain active layers (132) (see col. 7, lines 21-25) which are formed in said semiconductor substrate (62), wherein

layers of insulating film which compose said second sidewall insulating film (120, 122', 128) are more in number than layers of insulating film which compose said first sidewall insulating film (88, 120), and accordingly, a width of said second sidewall insulating film (120, 122', 128) in a channel direction of said second transistor (66) is

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larger than a width of said first sidewall insulating film (88, 120) in a channel direction of said first transistor (64) (see fig. 2g).


➤ With respect to claim 2, Wu et al. discloses that the first sidewall insulating film includes a silicon nitride film (120) (see col. 4, lines 54-56), and said second sidewall insulating film (120, 122', 128) (see col. 4, lines 54-60 and col. 6, lines 33-39) includes a silicon nitride film and a silicon oxide film.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhha Pham whose telephone number is (571) 272-1696. The examiner can normally be reached on Monday and Thursday 9:00AM - 9:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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